

Your options are explained in this notice. To ask to be included in this lawsuit, you must act before [30 days from date notice is sent out.]

01. Why did I get this notice?

You are getting this notice because Defendants' records show that you work or worked for Defendants at some time from December 15, 2021 to December 15, 2023.

02. What is this lawsuit about?

This lawsuit is about whether the Defendants paid time-and-a-half for all hours worked over 40 in a given workweek.

03. What happens if I join this lawsuit?

If you choose to join this lawsuit, you will be bound by any ruling, settlement or judgment, whether favorable or unfavorable. You will also share in any proceeds from a settlement or a favorable judgment. However, if the result is unfavorable, you may receive nothing.

By joining, you designate Plaintiffs as your representatives, and to the fullest extent possible, you designate Plaintiffs and their counsel to make decisions on your behalf concerning the case, the method and manner of conducting the case, and all other matters pertaining to this lawsuit. Decisions made and agreements entered into by Plaintiffs relating to the lawsuit will be binding on you if you join the lawsuit.

While this lawsuit is pending, as part of the discovery process, you may be asked to provide documents or information relating to your employment with Defendants, which may include responding to written questions or answering questions in person under oath, either before or at trial. For this reason, if you join the lawsuit, you should preserve all documents relating to the Defendants currently in your possession. You also may be asked to sit for a deposition scheduled at your convenience and/or asked to testify at a trial in the United States District Court, Eastern District of New York Courthouse.

04. Can Defendants and/or my current employer retaliate or fire me if I join the lawsuit?

No. It is a violation of Federal law for an employer to fire, discipline, or in any manner discriminate or retaliate against you for taking part in this case.

05. Can I participate in this lawsuit, even though, due to my immigration status, I did not work or am not working for Defendants legally?

Yes, you may participate and recover wages regardless of your immigration status.

06. How do I ask the Court to include me in the case?

Enclosed is a form called the “Plaintiff Consent Form.” **If you choose to join the lawsuit, it is extremely important that you read, sign, and promptly return the Plaintiff Consent Form**

An addressed and postage-paid envelope is enclosed for your convenience. Should the enclosed envelope be lost or misplaced, the Plaintiff Consent form must be sent to the following address:

MOSER LAW FIRM, PC
PO Box 710
Huntington, NY 11743
RE: *Cruz v. Demarco Bros*

The signed Plaintiff Consent Form must be postmarked by (30 days from mailing). If your Plaintiff Consent Form is not postmarked by (30 days from mailing), you may not be able to participate in this lawsuit.

07. Who is the plaintiff’s lawyer in this case?

If you choose to join this lawsuit, you will be represented by Plaintiffs’ Counsel:

Steven J. Moser
Moser Law Firm, P.C.
133C New York Avenue
Huntington, NY 11743
Tel 516-671-1150
www.moserlawfirm.com
legalsupport2@moserlawfirm.com

08. Should I get my own lawyer?

You are allowed to hire your own lawyer at your own expense. If you hire your own lawyer, your attorney may file a consent form directly with the Court on your behalf.

09. How will the lawyer be paid?

You will not be required to pay any money out-of-pocket for services provided by the Moser Law Firm, P.C. If you choose to be represented by the Moser Law Firm, their costs and fees will be paid out of any settlement or money judgment. If there is no settlement or money judgment, Plaintiffs’ counsel will not receive any fee. Further information may be obtained by contacting Steven Moser. Any communication with the Moser Law Firm, PC is **privileged and confidential** and will not be disclosed to anyone without your permission.

If you choose not to join this lawsuit, you will not be affected by any settlement or judgment rendered in this case, whether favorable or unfavorable.

10. Does the Employer have an attorney?

Yes, the employer is represented by:

Michael P. Giampilis, Esq.
Law Offices of Michael P. Giampilis, P.C.
2 Supreme Court
Smithtown, New York 11787
Tel: (516) 739-5838
mgiampilis@giampilislaw.com

11. This notice has been authorized by the Court.

The United States District Court has authorized this notice and its contents for the Eastern District of New York. The Court has not yet ruled on whether Plaintiffs' claims or Defendants' defenses have any merit.

Please do not write or call the court about this notice.

Although the Court has approved the sending of this Notice, the Court expresses no opinion on the merits of the Lawsuit.

CONSENT TO JOIN LAWSUIT

1. I consent to be a party plaintiff in the lawsuit *Cruz v. DeMarco Bros Landscaping & Tree Service Corp*, U.S. District Court, Eastern District of New York, Civil Action No. 23-CV-9200 in order to seek redress for violations of the Fair Labor Standards Act, pursuant to 29 U.S.C. § 216(b).

2. By signing and returning this consent form, I hereby designate Plaintiffs and their counsel, the Moser Law Firm, P.C. ("the Firm") to represent me and make decisions on my behalf concerning the litigation and any settlement. I understand that reasonable costs expended on my behalf will be deducted from any settlement or judgment amount on a pro rata basis among all other plaintiffs. I understand that the Firm may petition the Court for reasonable attorneys' fees and expenses should this case settle or a money judgment is received and will receive a proportion of any such gross settlement or judgment amount. A copy of this firm's legal fee agreement with Plaintiffs is available upon request. I agree to be bound by any adjudication of this action by a court, whether favorable or unfavorable.

Name (printed)

Signature

Date

Street Address

City, State, Zip

Telephone Number

Email

Mail to: MOSER LAW FIRM, P.C.
PO Box 710
Huntington, NY 11743
Attn: *Cruz v. Demarco Bros*

TEL: 516-671-1150